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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,099	12/12/2003	Jane Smith Parker	190250-1710	1596
38823	7590	10/16/2008		
AT&T Legal Department Attn: Patent Docketing One AT&T Way Room 2A-207 Bedminster, NJ 07921			EXAMINER AL AUBAIDI, RASHIA S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 10/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,099

Applicant(s)

PARKER, JANE SMITH

Examiner

RASHA S. AL AUBAIDI

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 07/23/2008, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below. Claims 1-36 are pending.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12 and 25-36 are rejected under 35 U.S.C. 101 as directed to non-statutory subject matter.

Claim 1 is directed to logic which lacks a tangible embodiment. What is being claimed is the logic. Therefore, the claim's language, and also when interpreted in light

of the specification, is nothing more than software which is a nonstatutory subject matter; therefore making the claims nonstatutory. See Interim guideline pages 55+. Dependent claims 2-12 are rejected for the same reason as independent claim 1.

Also, Independent claim 25 is directed to a code embodied in a computer readable medium, which lacks a tangible embodiment. What is being claimed is the codes. Codes and logic are non-statutory subject matter. Further, the codes of claim 25 are not even recited to be executed to perform the limitations. Therefore, the claims when interpreted in light of the specification are nothing more than software which is nonstatutory subject matter; therefore making the claims nonstatutory. See Interim guideline page 55+. Dependent claims 26-36 are rejected for the same reason as independent claim 25.

Configured to

3. Applicant is advised that the limitations following "configured to" (claims 1 and 5) may not be considered positive limitations in future office actions. Language such as "configured to" and "adapted to" only suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2106, IIC and 2111.04.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Crockett (US PAT # 5,590,188) in view of Leamon (6,970,829).

Regarding claim 1, Crockett teaches a workforce planning system (reads on call routing processor 12, as shown in Fig. 1), the system comprising: logic (reads on the software routines, see col. 4, lines 51-55) "configured to" obtain from a communication switch (element 14, Fig.1), a first call history statistic of a first period of time (this reads on the information provided by the switch to the call routing processor, which is called the "status data", see col. 5, lines 2-23. Also, for the claimed feature of "history statistic", this basically reads on the switch within the network providing information traffic information to the call routing processor, this information may be provided periodically or per call bases, see for example col. 13, lines 15-63; logic "configured to" obtain from a call center a, a first work-history statistic of the first period (this reads on receiving and calculating the "estimated answer delay" based on previous information (i.e., statistics) received from the call center, see col. 8, lines 4-16 and col. 14, lines 13-15); logic "configured to" process at least one of the first call –history statistic and the first work-history statistic (this reads on the software making the decision procedure from the received information, see for example, step 22 in Fig. 2 and col. 7, lines 30-34).

What Crockett does not explicitly teach is to "generate a performance report comprising a first past performance statistic".

However, Leamon, in a workforce contact center environment that creates schedules and monitors call center activities, a report will be generated that reflects the scheduling and additional information necessary to manage the call center (see for example, col. 4, line 67 and col. 5, lines 1-3).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of "generating report", as taught by Leamon, into the Crockett system's in order to enhance the system's efficiency by recording all activities and information received and processed for routing and distributing calls within the call center, and presenting a summary for these activities. The summary of the report maybe used for numerous reasons such as future planning for load balancing, agent skills, call types ...etc.

Claims 13 and 25 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 2, 14 and 26, Leamon teaches the first call-history statistic comprises a total number of calls routed by the communication switch to the call center over the first period of time (see col. 19, lines 26-34).

Regarding claims 3, 13 and 27, Leamon teaches the first call-history statistic comprises a total number of a first type of calls routed by the communication switch to the call center over the first period of time (see col. 19, lines 26-34).

Regarding claims 4, 16 and 28, Leamon teaches the first work-history statistic comprises an actual work time of the call center over the first period of time, and the first past performance statistic is a first workforce occupancy (this reads on the schedule of the day, see col.10, lines 64-67 and col. 11, lines 1-4).

Regarding claims 5, 17 and 29, Leamon teaches logic configured to provide a first work-planning input; logic configured to process the first work-planning input together with the first report; and logic configured to generate a forecast report comprising a first predictive workforce statistic (see col. 4, lines 49-67 and col. 5, lines 1-2).

Regarding claims 6, 18 and 30, Leamon teaches the first work-planning input comprises at least one of a first number of operators over a first forecast period, a change in call volume over the first forecast period, an attendance statistic of the first number of operators over the first forecast period, and a performance statistic of the first number of operators over the first forecast period (see 5, lines 61-67).

Regarding claims 7, 19 and 31, Leamon teaches the first predictive workforce

statistic comprises at least one of an actual work time of a first number of operators over a first forecast period, an occupancy of the first number of operators over the first forecast period, and a forecast of a number of operators required for call handling during the first forecast period. See col. 4, lines 39-44 and col. 19, lines 35-40.

Claims 8, 10, 12, 20, 22, 24, 32, 34 and 36 are rejected for the same reasons as discussed above with respect to claims 1, 13 and 25 respectively.

Regarding claims 9, 21 and 33, Leamon teaches the first work-planning input comprises a first number of operators during a first forecast period and a second number of operators during a second forecast period (see col. 5, lines 31-52).

Regarding claims 10, 22 and 34, the performance report provides the work-planning input.

Regarding 11, 23 and 35, Leamon teaches the first work-planning input comprises a first number of operators having a first level of performance during a first forecast period and a second level of performance during a second forecast period (see col. 5, lines 31-52).

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Deryugin et al. (US PAT # 5, 926,538) that teaches a central controller that controls and collects information from plurality of call centers (see Fig. 1).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614

/Ahmad F. Matar/
Supervisory Patent Examiner, Art Unit 2614